

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC. and FLAGSTAR BANK, FSB,

Plaintiffs,

v.

CHRISTIE WINSTEAD and
MELVIN WINSTEAD,

Defendants.

9/09/09 8:30:54
DK L BK 17 PG 585
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

No. 09-09-1706

ABSTRACT AND NOTICE OF LIEN LIS PENDENS

On September 9, 2009, Mortgage Electronic Registration Systems, Inc. ("MERS") and Flagstar Bank, FSB ("Flagstar") as plaintiffs filed their complaint against Christie Winstead and Melvin Winstead (collectively, "Winstead") as defendants in the Chancery Court of DeSoto County, Mississippi, Cause Number 09-09-1706.

A copy of said complaint, without exhibits, is attached hereto as Exhibit A

In said complaint, MERS and Flagstar allege that by inadvertence and mutual mistake an error was made in the legal description of the property conveyed by the deed of trust dated September 6, 2006 executed by Winstead for the benefit of MERS and recorded in Book 2,565, Page 215, Chancery Court Clerk's Office, DeSoto County, Mississippi, whereas it was intended that the deed of trust convey the following described property:

LOT 498, SECTION E, CARRIAGE HILLS SUBDIVISION, IN SECTION 23, TOWNSHIP 1 SOUTH, RANGE 8 WEST, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 4, PAGES 17-18, IN THE CHANCERY CLERK'S OFFICE OF DESOTO COUNTY, MISSISSIPPI, TO WHICH

PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

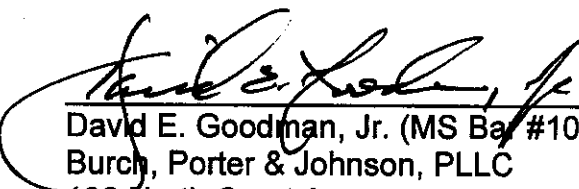
The property described above is located in DeSoto County, Mississippi and is commonly known as 8101 Coventry Drive, Southaven, Mississippi.

Flagstar is the current owner and holder of said note and deed of trust.

In the complaint, MERS and Flagstar pray that the Court correct and reform the deed of trust by declaring and decreeing that the property described above is the property conveyed by the deed of trust.

MERS and Flagstar seek to fix a lien lis pendens on the property pursuant to Miss. Code Ann. § 11-47-1, *et seq.*

WITNESS MY SIGNATURE this the 9th day of September, 2009.


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MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC. and FLAGSTAR BANK, FSB,

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No. _____

CHRISTIE WINSTEAD and
MELVIN WINSTEAD,

Defendants.

COMPLAINT TO CORRECT AND REFORM DEED OF TRUST

For their complaint, plaintiffs Mortgage Electronic Registration Systems, Inc. ("MERS") and Flagstar Bank, FSB (collectively "Plaintiffs") respectfully state:

1. MERS is a Delaware corporation.
2. Flagstar Bank, FSB ("Flagstar") is a Federal Savings Bank.
3. Defendants Christie Winstead and Melvin Winstead (collectively, "Winstead") are residents of DeSoto County, Mississippi.
4. The property involved in this suit is located in DeSoto County and is commonly known as 8101 Coventry Drive, Southaven, Mississippi ("Property"), more particularly described hereafter.
5. Winstead executed and delivered to order of DeSoto Home Mortgage, LLC ("DeSoto") their promissory note dated September 6, 2006 in the original principal amount of \$72,500.00, copy of which is attached hereto as Exhibit A.
6. To secure said note, Winstead executed and delivered a deed of trust dated September 6, 2006, recorded in Book 2,565, Page 215, Chancery Court Clerk's



Office, DeSoto County, Mississippi, a copy of which deed of trust is attached hereto as Exhibit B. DeSoto was shown as "Lender" with respect to said deed of trust and MERS was shown as the "Beneficiary."

7. As shown by Exhibit A, said note was endorsed by DeSoto to Flagstar. Flagstar is the current owner and holder of said note and deed of trust.

8. The description of the Property contained in the deed of trust is as follows:

LOT 498, SECTION E, CARRIAGE HILLS SUBDIVISION, IN SECTION 34, TOWNSHIP 1 SOUTH, RANGE 8 WEST, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 4, PAGES 17-18, IN THE CHANCERY CLERK'S OFFICE OF DESOTO COUNTY, MISSISSIPPI, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

9. However, by inadvertence and mutual mistake, the reference in the description in said deed of trust to Section 34 was an error and should have been to Section 23.

10. Said error has been in the chain of title going back to a conveyance of the Property in 1986. A copy of said chain of title beginning with the last deed with the description correctly referencing Section 23 is attached hereto as Exhibit C.

11. The Township and Range of the Property are correctly stated in the deed of trust. The street address and subdivision lot number of the Property are correctly stated in the deed of trust. Thus, the only error in the description in the deed of trust is the Section number.

12. Said deed of trust should be corrected and reformed to reflect that the Property conveyed thereby is as follows:

LOT 498, SECTION E, CARRIAGE HILLS SUBDIVISION, IN SECTION 23, TOWNSHIP 1 SOUTH, RANGE 8 WEST, AS

SHOWN ON PLAT OF RECORD IN PLAT BOOK 4, PAGES 17-18, IN THE CHANCERY CLERK'S OFFICE OF DESOTO COUNTY, MISSISSIPPI, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

13. Plaintiffs are entitled to a lien lis pendens as to the Property.

WHEREFORE, Plaintiffs pray that:

1. The Court correct and reform said deed of trust by declaring and decreeing that the property conveyed by said deed of trust is:

LOT 498, SECTION E, CARRIAGE HILLS SUBDIVISION, IN SECTION 23, TOWNSHIP 1 SOUTH, RANGE 8 WEST, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 4, PAGES 17-18, IN THE CHANCERY CLERK'S OFFICE OF DESOTO COUNTY, MISSISSIPPI, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID PROPERTY.

2. Plaintiffs have such other and further relief to which they are entitled.

Respectfully submitted,

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